

**Amendment to the Claims:**

This listing of claims will replace all prior versions, and listings of claims in the application:

**Listing of Claims:**

Claim 1 (original) A moisture-proof resealable non-cylindrical container and cap assembly, comprised of:

a non-cylindrical container and a correspondingly shaped non-cylindrical cap integrally attached to the container;

wherein the container having an upper portion and an inner and outer surface, the container having an upstanding rim at the upper portion, the rim is defined as that portion of the container that contacts an inner wall of the cap, the rim having an inner and outer wall rim, whereby the inner rim wall is substantially parallel to the inner surface of the container;

a cap having a base with an outer periphery and a skirt extending perpendicularly and outwardly around the outer periphery of the base, the skirt having an inner wall, the inner wall of the skirt comprising at least four portions, a first portion that is a conically tapered, extends downward from a top portion of the skirt and is substantially planar, a second portion connected to the first portion and that is substantially perpendicular to the base, extends downward from the first portion, and is substantially planar, a third portion connected to the second portion and extends downward from the second portion, a fourth portion connected to the third portion and extends downward from the third portion, the inner wall having at least one cap recess formed by at least the third and fourth portions of the inner wall of the skirt, the cap having opposing ends, the cap including a thumb tab for facilitating the opening and closing of the container, the cap comprising at least one hinge attached to the container wherein the hinge has at least one hinge recess bend point that functions to rotate the cap at one pivot point, the thumb tab and the hinge being positioned on substantially opposing ends of the cap and extending perpendicularly and outwardly from the skirt of the cap;

wherein the skirt of the cap overlies the container and at least a portion of the rim of the container engages the cap recess of the inner wall of the skirt of the cap so that a substantially moisture-proof seal is obtained when a frontal, downward pressure is applied and the container is fully closed, ~~and wherein the moisture-proof seal allows less than about 500 micrograms of water ingress per day into the container;~~ and

wherein the moisture-proof seal is obtained without the presence of an interlocking mechanism, whereby the interlocking mechanism consists of a projection, a gap and the annular skirt of the cap that combine to form an annular channel for interlocking with the rim of the container, the annular channel is an annular gap formed between the annular projection and the inner wall of the skirt of the cap whereby the annular projection projects from an interior surface of the cap and is substantially perpendicular to the interior surface of the cap.

2. (original) The moisture-proof resealable non-cylindrical container and cap assembly of claim 1 wherein the base of the cap is substantially flat and walls of the container form a substantially rectangular shape.

3. (original) The moisture-proof resealable non-cylindrical container and cap assembly of claim 1 wherein a desiccant insert conforms to at least part of the assembly.

4. (original) The moisture-proof resealable non-cylindrical container and cap assembly of claim 1 wherein the non-cylindrical shape is shaped to hold at least one product selected from the group consisting of candy and cigarettes.

5.(new) The moisture-proof resealable non-cylindrical container and cap assembly of claim 1 wherein the substantially moisture-proof seal allows less than about 500 micrograms of water ingress per day into the container.

6. (new) A moisture-proof resealable non-cylindrical container and cap assembly, comprised of:

a non-cylindrical container and a correspondingly shaped non-cylindrical cap integrally attached to the container;

wherein the container having an upper portion and an inner and outer surface, the container having an upstanding rim at the upper portion, the rim is defined as that portion of the container that contacts an inner wall of the cap, the rim having an inner and outer wall rim, whereby the inner rim wall is substantially parallel to the inner surface of the container;

a cap having a base with an outer periphery and a skirt extending perpendicularly and outwardly around the outer periphery of the base, the skirt having an inner wall, the inner wall of the skirt comprising at least four portions, a first portion that is a conically tapered, extends downward from a top portion of the skirt and is substantially planar, a second portion connected to the first portion and that is substantially perpendicular to the base, extends downward from the first portion, and is substantially planar, a third portion connected to the second portion and extends downward from the second portion, a fourth portion connected to the third portion and extends downward from the third portion, the inner wall having at least one cap recess formed by at least the third and fourth portions of the inner wall of the skirt, the cap having opposing ends, the cap including a thumb tab for facilitating the opening and closing of the container, the cap comprising at least one hinge attached to the container wherein the hinge has at least one hinge recess bend point that functions to rotate the cap at one pivot point, the thumb tab and the hinge being positioned on substantially opposing ends of the cap and extending perpendicularly and outwardly from the skirt of the cap; and

wherein the skirt of the cap overlies the container and at least a portion of the rim of the container engages the cap recess of the inner wall of the skirt of the cap so that a substantially moisture-proof seal is obtained when the container is fully closed.

7. (new) The moisture-proof resealable non-cylindrical container and cap assembly of claim 6 wherein the base of the cap is substantially flat and walls of the container form a substantially rectangular shape.

8. (new) The moisture-proof resealable non-cylindrical container and cap assembly of claim 6 wherein a desiccant insert conforms to at least part of the assembly.

9. (new) The moisture-proof resealable non-cylindrical container and cap assembly of claim 6 wherein the non-cylindrical shape is shaped to hold at least one product selected from the group consisting of candy and cigarettes.

10.(new) The moisture-proof resealable non-cylindrical container and cap assembly of claim 6 wherein the substantially moisture-proof seal allows less than about 500 micrograms of water ingress per day into the container.